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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/721,683

11/25/2003

Alaine Cote

6233-19US (L79710002)

6167

570

7590

02/16/2006

AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

EXAMINER

HORTON, YVONNE MICHELE

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/721,683

Applicant(s)

COTE ET AL.

Examiner

Yvonne M. Horton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-5 stand and claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,503,041 to VAN GORP in view of US Patent #6,843,026 to HOEHN.

Regarding claims 1 and 3, VAN GORP discloses the use of a roof (12) including a frusto-conical configuration and comprising a central, tubular hub (13) and plurality of trusses (16) extending radially outwardly therefrom. With further reference to claim 3, each of said trusses (16) having a proximal end (PE) and a distal end (DE), see below; the proximal ends (PE) of said trusses being connected to said central, tubular hub (13); each of said trusses comprising parallel upper (UB,90) and lower (LB, 94), see below, beams spaced apart and secured together by generally V-shaped chord members (VM),

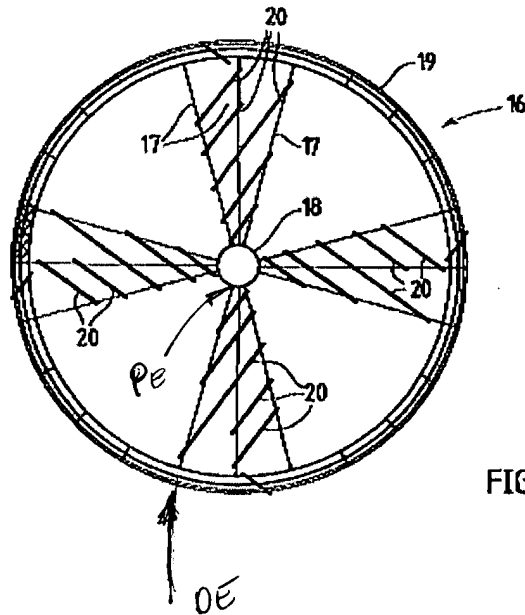


FIG. 2

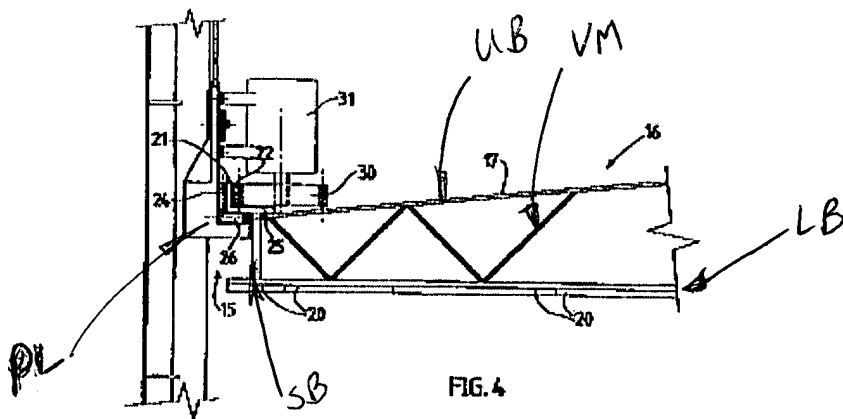
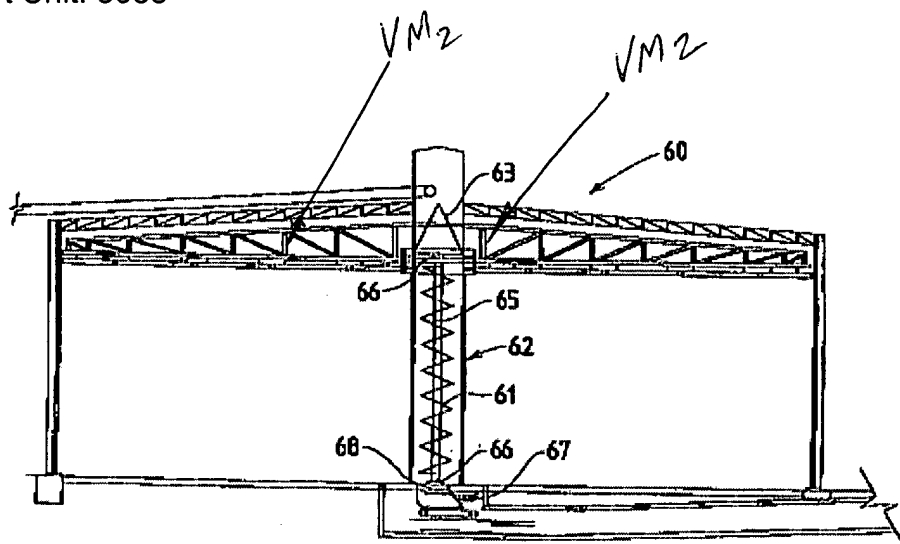


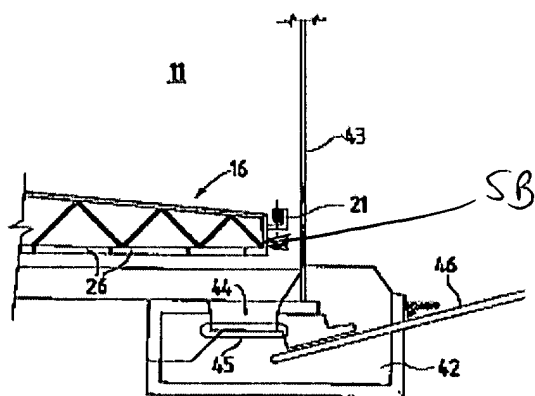
FIG. 4

see above, and (34) and intermittent vertical connecting members (VM2), see below, extending normally to said upper (UB, 90) and lower beams (LB, 94); a plurality

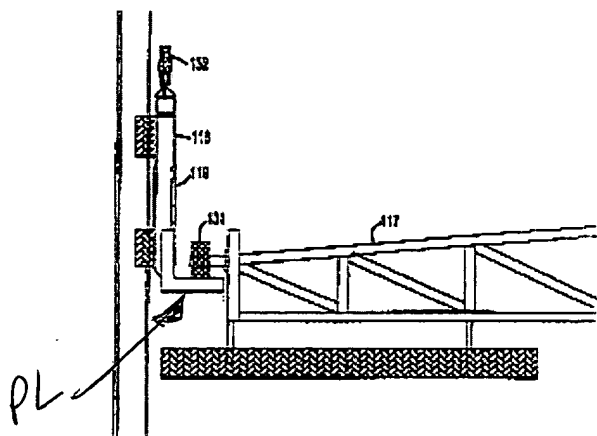
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of support beams (SB), see first figure above, extending normally between adjacent upper beams (UB, 90) of said trusses (16); said upper beams (UB, 90) and said support beams (SB) forming an upper surface of the roof (12); and plate members (21, PL), see first figure above and figure below, inherently having low frictional surfaces, column 3,



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lines 1-6, located intermediate the lower edge of the roof and an upper surface of the cylindrical wall (11) structure covered by the roof (12). Although the hub (13) of the roof (12) serves as a means to secure said roof (12) to the wall upper surface, VAN GORP discloses the use of a means (15) to secure to the upper surface of the cylindrical wall (11); wherein, the means (15) includes rollers (24,26) that allow for movement of the roof (12) in a generally horizontal plane. Also, the lower edge of the roof (12) also includes a generally cylindrical reinforcement member (19). VAN GORP discloses the basic claimed roof except for explicitly detailing the use of sheet member coverings. HOEHN teaches that it is known in the art to provide the roof (22) of a structure (20) with sheet roof coverings (28). Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the roof of VAN GORP with the sheet coverings of HOEHN in order to properly protect the roofing support members while also providing the roof with an aesthetically pleasing surface. In reference to claims 4 and 7, VAN GORN is silent with regards to the materials of the plate members. However, it would have been obvious to one having ordinary skill in the

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art at the time the invention was made to select a known material suitable for the use intended as an obvious matter of design choice. For instance, if the plate members are excessively exposed to moisture or liquids of some sort, perhaps polyethylene material would be more economically beneficial as opposed to aluminum, and vice-versa for the sheet materials. Furthermore, the structure of VAN GORP is designed to have rollers (24,26) move thereon, it would have also been obvious to one having ordinary skill in the art that the plate (21,PL) be made particularly of a material that enhances how the roller moves. In reference to claims 5 and 8, although he does not specify stainless steel, HOEHN does, column 3, lines 39-41 detail that his roof panels (28) are metal. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select a known material suitable for the use intended as an obvious matter of design choice.

Claim 6 stands and claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,503,041 to VAN GORN, as modified by US Patent #6,843,026 to HOEHN as applied to claim 1 above, and further in view of US Patent #5,522,186 to JARMAN. VAN GORN, as modified by HOEHN, discloses the basic claimed structure except for explicitly detailing the use of a door. JARMAN teaches that it is known in the art to provide the wall (140) of a structure (20) with a door (142). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the structure of VAN GORN, as modified by HOEHN, with the door of JARMAN in order to give access to the interior and exterior of the structure.

Response to Arguments

Applicant's arguments filed 10/20/05 have been fully considered but they are not persuasive.

Regarding the applicant's argument that VAN GORP is silent with regards to how the roof is attached to the wall, the figures and disclosure clearly show how the roof is attached to the wall.

Regarding the applicant's argument that VAN GORP does not detail the use of a plate having a low frictional surface, the examiner agrees that VAN GORP does not explicitly detail this; however, he does disclose the use of rollers thereon and it would have been obvious that since rollers are used the surface has low friction.

In reference to the applicant's argument that VAN GORP does not teach a roof plate, the examiner disagrees, clearly a roof plate (21,PL) is detailed in VAN GORP.

In reference to the applicant's argument of the deficiencies of HOEHN and JARMAN, these references are being argue alone; however, they are used in conjunction with VAN GORP. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within


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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yvonne M. Horton
Art Unit 3635
2/13/06


Carl D. Friedman
Supervisory Patent Examiner
Group 3600